D.B. CIVIL SPECIAL APPEAL(W)NO.474/2007

Shankar Lal
Vs.
State & Ors.

Date of Judgment :: 23-07-2007

HON'BLE THE ACTING CHIEF JUSTICE SHRI J.M. PANCHAL
HON'BLE SHRI JUSTICE BHANWAROO KHAN

Mr. P.S. Bhati, for the appellant.

PER HON'BLE THE ACTING CHIEF JUSTICE J.M. PANCHAL:

By filing the instant appeal under Section 18 of the Rajasthan High Court Ordinance 1949, the appellant has challenged the order dated February 22, 2007 rendered by the learned Single Judge in S.B. Civil Writ Petition No.726/2007 by which prayer made by the appellant to direct the respondents to regularise his service at par with the other similarly situated employees, is rejected.

The appellant was appointed as L.D.C. on February 12, 1988. The respondent no.2 passed an administrative order that on the post of U.D.C., daily wagers should not be appointed. That order was challenged in the writ petition and the High Court directed the respondents to continue the appellant in service. However, services of the appellant were terminated on March 30, 1990. Therefore he raised an industrial dispute. The Labour Court adjudicated the

said dispute and directed the respondent to reinstate the appellant in service with 30% back wages. Thereafter the appellant filed petition under Article 226 and 227 of the Constitution before the learned Single Judge and claimed regularisation in service. The said prayer has been rejected by the learned Single Judge which has given rise to the instant appeal.

This Court has heard Mr. P.S. Bhati, learned counsel for the appellant and considered the documents which form part of the petition.

The appellant could not furnish particulars of other employees whose services were regularised by the respondent. Further in catena of reported decisions, the Supreme Court has observed that those who are working on daily wages form a class by themselves and they cannot claim that they are discriminated as against those who have been regularly recruited on the basis of the relevant rules. What is highlighted by the Supreme Court in several reported decisions, is that no right can be founded on an employment on daily wages to claim that such employees should be treated on a par with a regularly recruited candidate.

Under the circumstances, this Court is of the opinion that the learned Single Judge did not

commit any error in rejecting the petition filed by the petitioner so as to warrant interference of this Court in the instant appeal. The appeal which lacks merits, deserves to be dismissed.

For the foregoing reasons, the appeal fails and is dismissed.

[BHANWAROO KHAN],J. [J.M.PANCHAL],ACTG.CJ.

Praveen